

3/14/19

4:45 p.m.

Chapter No. 310
19/SS02/R300PS
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SENATE BILL NO. 2161

Originated in Senate Liz Welch Secretary

SENATE BILL NO. 2161

AN ACT TO AMEND SECTION 41-61-53, MISSISSIPPI CODE OF 1972, TO REVISE DEFINITIONS IN THE MISSISSIPPI MEDICAL EXAMINER ACT OF 1986; TO AMEND SECTION 41-61-55, MISSISSIPPI CODE OF 1972, TO CLARIFY THE QUALIFICATIONS OF THE STATE CHIEF MEDICAL EXAMINER; TO AMEND SECTION 41-61-77, MISSISSIPPI CODE OF 1972, TO CLARIFY THE QUALIFICATIONS OF THE STATE DEPUTY CHIEF MEDICAL EXAMINERS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 41-61-53, Mississippi Code of 1972, is amended as follows:

41-61-53. For the purposes of Sections 41-61-51 through 41-61-79, the following definitions shall apply:

(a) "Certification of death" means signing the death certificate.

(b) "Coroner" means the elected county official provided for in Sections 19-21-101 through 19-21-107.

(c) "County medical examiner investigator" means a nonphysician trained and appointed to investigate and certify deaths affecting the public interest.

(d) "County medical examiner" means a licensed physician appointed to investigate and certify deaths affecting the public interest.

(e) "Death affecting the public interest" means any death of a human being where the circumstances are sudden, unexpected, violent, suspicious or unattended.

(f) "Medical examiner" means the medical examiner system which is composed of the State Medical Examiner, county medical examiners and county medical examiner investigators collectively, and is a jurisdictional identifier, not a title, unless the context clearly requires otherwise * * *.

(g) "Pronouncement of death" means the statement of opinion that life has ceased for an individual.

(h) "State Medical Examiner" means the * * * person appointed by the Commissioner of Public Safety pursuant to Section 41-61-55 to investigate and certify deaths that affect the public interest.

(i) "Autopsy" means a postmortem examination.

(j) "Postmortem examination" means an examination of a dead human body that may include the least invasive to most invasive methods based on the expertise and judgment of the pathologist handling the case.

SECTION 2. Section 41-61-55, Mississippi Code of 1972, is amended as follows:

41-61-55. (1) There is hereby created the position of State Medical Examiner * * * under the supervision of the Commissioner of Public Safety. The State Medical Examiner shall be appointed by the Commissioner of Public Safety subject to the approval of a majority of a panel composed of the following: (a) the Dean of the University of Mississippi Medical Center School of Medicine; (b) the Dean of the University of Mississippi School of Law; and (c) the State Health Officer. The State Medical Examiner may be discharged only for good cause, upon the recommendation of the Commissioner of Public Safety, and by a majority of the same panel.

(2) * * * The State Medical Examiner * * * must obtain a license to practice medicine in Mississippi and be certified in forensic pathology by the American Board of Pathology. The State Medical Examiner may also be designated as the Chief Medical Examiner.

(3) There is hereby created the State Medical Examiner Advisory Council composed of the State Health Officer or his or her designee, the Dean of the University of Mississippi Medical Center School of Medicine or his or her designee, the Commissioner of Public Safety, the Attorney General or his or her designee, the President of the Mississippi * * * Coroner and Medical Examiners Association or his or her designee, the President of the Mississippi Prosecutors Association or his or her designee, the President of the Mississippi Public Defenders Association or his

or her designee, the President of the Mississippi Association of Chiefs of Police or his or her designee, and the President of the Mississippi Sheriffs' Association or his or her designee. The council shall be purely advisory and serve as a liaison between the State Medical Examiner and the various entities related to the Medical Examiner Act.

SECTION 3. Section 41-61-77, Mississippi Code of 1972, is amended as follows:

41-61-77. (1) The Department of Public Safety shall establish and maintain a central office for the Mississippi Forensics Laboratory and the State Medical Examiner with appropriate facilities and personnel for postmortem medicolegal examinations. District offices, with appropriate facilities and personnel, may also be established and maintained if considered necessary by the department for the proper management of postmortem examinations.

The facilities of the central and district offices and their staff services may be available to the medical examiners and designated pathologists in their investigations.

(2) In order to provide proper facilities for investigating deaths as authorized in Sections 41-61-51 through 41-61-79, the State Medical Examiner may arrange for the use of existing public or private laboratory facilities. The State Medical Examiner may contract with qualified persons to perform or to provide support services for autopsies, studies and investigations not

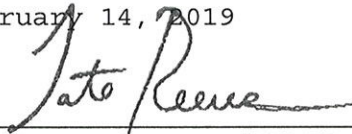
inconsistent with other applicable laws. Such laboratory facilities may be located at the University of Mississippi Medical Center or any other suitable location. The State Medical Examiner may be an affiliate or regular faculty member of the Department of Pathology at the University of Mississippi Medical Center and may serve as a member of the faculty of other institutions of higher learning. He shall be authorized to employ, with the approval of the Commissioner of Public Safety, such additional scientific, technical, administrative and clerical assistants as are necessary for performance of his duties. Such employees in the Office of the State Medical Examiner shall be subject to the rules, regulations and policies of the * * * Mississippi State Personnel Board in their employment.

(3) The State Medical Examiner shall be authorized to * * * employ qualified pathologists as * * * deputy chief state medical examiners as are necessary to carry out the duties of his office. The * * * deputy chief state medical examiners shall be licensed to practice medicine in Mississippi and, * * * either board-certified in forensic pathology by the American Board of Pathology or be a physician who is eligible to sit for the forensic pathology board examination administered by the American Board of Pathology. The State Medical Examiner may delegate specific duties to competent and qualified medical examiners within the scope of the express authority granted to him by law or regulation. Employees of the Office of the State Medical Examiner

shall have the authority to enter any political subdivisions of this state for the purpose of carrying out medical investigations.

SECTION 4. This act shall take effect and be in force from and after its passage.

PASSED BY THE SENATE
February 14, 2019




PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
March 6, 2019



SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



GOVERNOR
March 19, 2019
4:45 pm